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Technical assistance and capacity-building

Belgium, Croatia, France,* Spain, Togo†: draft resolution

39/... Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015, 33/27 of 30 September 2016 and 36/25 of 29 September 2017,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016, 2339 (2017) of 27 January 2017, 2387 (2017) of 15 November 2017 and 2399 (2018) of 30 January 2018,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main actors in

* Not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

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the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016 and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Welcoming further the adoption of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map on 17 July 2017 in Libreville, and the appointment of a panel of facilitators to implement it, and stressing the need for an inclusive dialogue, in keeping with the recommendations of the Bangui Forum on National Reconciliation,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Deeply concerned at the worsening security situation in the Central African Republic as a result of the advance of armed groups across most of the territory, and condemning in particular the acts of violence that continue to be committed by armed groups, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers and humanitarian actors, as well as violations of international humanitarian law and human rights violations, including those committed against children and sexual and gender-based violence in times of conflict, which have led to an unacceptable number of deaths, injuries, displaced persons and refugees,

Deeply concerned also at the increasing use of messages of hatred and incitement to violence that would aggravate discrimination and social stigmatization, while welcoming the adoption in June 2018 of the National Plan for the Prevention of Incitement to Discrimination, Hatred and Violence and advocating the full implementation of the Plan,

Deeply concerned further at the surge in attacks on humanitarian personnel and humanitarian facilities in a context which has not been improved by the increased number of displaced persons and the continuing high numbers of refugees, and at the fact that half of the country's population, or some 2.5 million Central Africans, continues to need humanitarian assistance to survive,

Noting the implementation of the humanitarian response plan for 2017–2019 and concerned about the growing humanitarian needs of the Central African Republic, in particular those of persons with disabilities and the needs of victims for psychotherapeutic support,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary return of displaced persons and refugees and to ensure that their return is sustainable,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

Deeply concerned at the violations and abuses of human rights and of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearance, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law and international humanitarian law,

Emphasizing that those who engage in or provide support for acts that undermine the peace, stability or security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers and incite others to violence, particularly on ethnic or religious grounds, must be held responsible for their acts,

Welcoming the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the European Union Military Advisory Mission in the Central African Republic, and the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international law, particularly international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling that an in-depth investigation should be launched into the allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national mechanisms to ensure accountability of perpetrators,

Stressing also the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and noting the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the steps taken by the Government to operationalize the Special Criminal Court, such as the adoption of the rules of evidence and procedure and the provision of temporary premises for staff of the Court, and encouraging the international community to continue to support the Special Criminal Court in the long term,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

Stressing the importance of pursuing investigations into allegations of violations of international humanitarian law and violations and abuses of international human rights law to complement the work of the international commission of inquiry and the report on the Mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

1. *Strongly condemns* all abuses and violations of human rights and violations of international humanitarian law, including killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, arbitrary arrests and deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on them, the injured and the sick, medical personnel, health centres and medical vehicles, as well as the denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, against humanitarian workers and supplies and against United Nations staff;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict adherence to all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* about the humanitarian situation, stresses that insecurity and the lack of funding are hampering the delivery of humanitarian assistance, and calls upon the international community to offer greater support for humanitarian efforts in the country;

5. *Calls upon* the Government, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who incite violence could be sanctioned by the Security Council;

6. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in the Central African Republic and of the recommendations contained therein;[1]

7. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

8. *Calls upon* the authorities to support the National Observatory for Gender Parity;

9. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and robust approach to the protection of civilians, as enshrined in its mandate, and also encourages it to lend the necessary assistance to the authorities of the Central African Republic so that the Special Criminal Court can begin its work without delay;

10. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures in order to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel in order to ensure justice for victims;

11. *Calls upon* the authorities of the Central African Republic, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary

[1] A/HRC/39/70.

for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

12. *Deplores* the increasing recruitment and use of children by armed groups as combatants, human shields, domestic workers or sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent future recruitment and use of children, and, in this regard, calls on them to honour the commitments assumed by several of them on 5 May 2015;

13. *Welcomes* the ratification by the Central African Republic in 2017 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, encourages the continuing efforts of the Government to protect children through the adoption and effective implementation of legislation prohibiting the recruitment and use of children in armed conflict, and encourages the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

14. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls;

15. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

16. *Notes* the decision of the authorities of the Central African Republic in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction, and welcomes in that regard the opening in September 2014 of an investigation by the Court essentially into war crimes and crimes against humanity committed since 1 August 2012;

17. *Welcomes* the efforts by the authorities of the Central African Republic to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and operational capability of the Court and the opening of proceedings as soon as possible, with support from the international community, and to cooperate with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

18. *Takes note* of the efforts made by the authorities of the Central African Republic and underscores the urgent need to effectively redeploy judges throughout the country, to revitalize the judicial services, to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings, and to establish appropriate reparation programmes to provide victims of violations and their families with material and symbolic reparation, at both the individual and collective level;

19. *Welcomes* the efforts by the authorities of the Central African Republic to hold criminal hearings in the Assize Court and requests them to continue strengthening the judiciary and combating impunity in order to contribute to stabilization and reconciliation, and stresses the need to restore the administration of justice and strengthen the criminal justice system and the penitentiary system such that judicial authorities are effectively present throughout the country, while ensuring that everyone has access to fair and impartial justice;

20. *Takes note* of the efforts by the authorities of the Central African Republic to re-establish the effective authority of the State over the entire country, by pursuing the fight against corruption and redeploying the State administration, in particular the judiciary, in the provinces with a view to ensuring stable, responsible, inclusive and transparent

governance, and requests the authorities to support those efforts by ensuring that the redeployed authorities have sufficient resources;

21. *Calls upon* the authorities of the Central African Republic to implement the reform of the security sector in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and stresses the need for these forces to respect the principles of accountability and the rule of law so as to win and cultivate the trust of local communities, including the preliminary verification procedures relating to human rights conducted by the defence and security forces;

22. *Welcomes* the good cooperation between the authorities of the Central African Republic and international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union military training mission in the Central African Republic, with a view to the gradual and sustainable redeployment of the Central African armed forces and the internal security forces trained by the European Union military training mission in the Central African Republic and other international partners, in the wider context of extending the authority of the State and consolidating security, and invites the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure oversight and accountability in relation to the conduct of the national security forces;

23. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the authorities of the Central African Republic in rolling out the above-mentioned reforms and re-establishing the authority of the State throughout the territory, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

24. *Calls upon* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, welcomes the progress made towards establishing a truth, justice, reparation and reconciliation commission, and calls upon the authorities to continue on this path;

25. *Urges* the authorities of the Central African Republic to define in an inclusive manner, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, a comprehensive road map for transitional justice, and encourages the authorities to identify pilot areas to develop local strategies for transitional justice;

26. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

27. *Remains deeply concerned* by the extent of conflict-related sexual violence, in particular against women and girls recruited by armed groups, and encourages the national authorities and the Special Criminal Court to protect victims and boost their empowerment, and to bring all alleged perpetrators of such crimes to justice;

28. *Remains concerned* by the surge in the number of children recruited by armed groups, calls for the establishment and implementation of social reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, and urges the authorities and armed groups to end and prevent such serious violations and abuses of their rights;

29. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to help the national authorities and

host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

30. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

31. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgent needs and priorities identified by the Central African Republic, in particular financial and technical support and funding for the treatment of people traumatized by the crisis;

32. *Requests* all parties to facilitate rapid and unhindered access for humanitarian aid and humanitarian workers to the entire national territory by strengthening security on the roads;

33. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and support for capacity-building with a view to promoting respect for human rights and undertaking reform of the justice and security sectors;

34. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

35. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

36. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

37. *Decides* to organize, at its fortieth session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on the participation of civil society, especially women's organizations and representatives of victims, in the peace and reconciliation process, with the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

38. *Requests* the independent expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

39. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

40. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

41. *Requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its forty-first session and to submit a written report to the Council at its forty-second session;

42. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable her to carry out fully her mandate;

43. *Decides* to remain seized of the matter.